

IN THE UNITED STATES DISTRICT COURT FOR  
THE WESTERN DISTRICT OF OKLAHOMA

**FILED**

DEC 17 2012

TYRONE L. FARRIS,  
Plaintiff,

vs.

C/O FRAZIER, J., et al.,  
Defendants.

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ROBERT D. DENNIS, CLERK  
U.S. DIST. COURT, WESTERN DIST. OF OKLA.  
BY \_\_\_\_\_ DEPUTY

No. CIV-12-1099-W

**ORDER**

Plaintiff Tyrone L Farris, proceeding pro se, filed this action on October 5, 2012, seeking relief from multiple defendants under title 42, section 1983 of the United States Code. See Doc. 1. At the same time, Farris filed a Motion for Temporary Restraining Order, see Doc. 3, and a Motion for Production of Documents. See Doc. 4.

On October 10, 2012, the matter was referred to United States Magistrate Judge Robert E. Bacharach for, among other things, preliminary review. See Doc. 7. On October 11, 2012, Magistrate Judge Bacharach examined the record and determined that Farris had neither paid the filing fee of \$350.00 in accordance with 28 U.S.C. § 1914, nor submitted a motion for leave to proceed in forma pauperis in accordance with 28 U.S.C. § 1915. Magistrate Judge Bacharach advised Farris that in order for this action to proceed, he was required either to pay the filing fee of \$350.00 or be granted leave to proceed without prepayment of the fee. See Doc. 8. Magistrate Judge Bacharach ordered Farris to cure the noted deficiencies by November 1, 2012, and directed the Clerk of the Court to mail Farris a copy of the approved form for leave to proceed in forma pauperis. See id.

Farris was warned that his failure to comply with Magistrate Judge Bacharach's Order of October 11, 2012, may result in the dismissal of this action without further notice. See id.

On November 8, 2012, Magistrate Judge Bacharach issued a Report and Recommendation, and he recommended that this action be summarily dismissed without prejudice to refiling because Farris had failed to comply with his Order or request an extension of time to do so. See Doc. 9 at 1. Farris was advised of his right to object, and the matter came before the Court on Farris' Objection to Magistrate's Report and Recommendation.

In light of Farris' assertion that he had failed to receive from the Clerk of the Court a copy of Magistrate Judge Bacharach's Order of October 11, 2012, and the copy of the approved form for leave to proceed in forma pauperis coupled with Farris' request that he be permitted the opportunity to correct the noted deficiencies, the Court on November 29, 2012, directed the Clerk to re-mail to Farris a copy of Magistrate Judge Bacharach's Order of October 11, 2012, and a copy of the approved form for leave to proceed in forma pauperis. The Court ordered Farris to cure the deficiencies found by Magistrate Judge Bacharach on or before December 13, 2012. See Doc. 12.

The Court deferred further consideration of Magistrate Judge Bacharach's Report and Recommendation until such time as the Court had determined that Farris had complied with the Court's directive or had concluded that dismissal of this matter, as suggested by Magistrate Judge Bacharach, was warranted due to Farris' noncompliance.

The record shows that Farris has now submitted a Motion for Leave to Proceed in Forma Pauperis and supporting documentation. See Doc. 13. Because it appears that Farris has complied with the Court's Order dated November 29, 2012, the Court

(1) DECLINES to adopt the Report and Recommendation [Doc. 9] issued on November 8, 2012; and

(2) RE-REFERS this matter to Magistrate Judge Bacharach for further proceedings.

ENTERED this 17<sup>th</sup> day of December, 2012.

A handwritten signature in black ink, appearing to read "Lee R. West", is written over a horizontal line.

LEE R. WEST  
UNITED STATES DISTRICT JUDGE